

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

FRIDAY, THE EIGHTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

HON'BLE SMT JUSTICE T.MEENA KUMARI

and

HON'BLE SRI JUSTICE P.LAKSHMANA REDDY

WRIT APPEAL NO : 2052 of 1999

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 26.10.1999
in W.P.No. 35507 of 1997 on the file of the High Court.)

Between:

1. The APSRTC, rep. By its Depot Manager,
Srikakulam-II Depot., Srikakulam
2. The APSRTC, rep. By its Divisional Manager, Srikakulam

..... APPELLANTS/ RESPONDENTS

AND

1. Paila Ranga Rao, s/o. Malleswara Rao,
Venkataratnampet Village, Piria Agraharam Post
Polaki Mandalam, Srikakulam – 523 430

RESPONDENT/

PETITIONER

- 2 The Chairman and Presiding Officer,
Industrial Tribunal-cum-Labour Court, Visakhapatnam

.....RESPONDENT/RESPONDENT

Counsel for the Appellants : KUM.B.G.UMA DEVI

Counsel for the Respondent No.1 : Mr W.B. SRINIVAS

Counsel for the Respondent No.2: GP FOR LABOUR

The Court made the following :

JUDGMENT (per Hon'ble Smt Justice T Meena Kumari) :

The respondents in the writ petition, being aggrieved by the order of a learned single Judge dated 26-10-1999 in W.P.No. 35507 of 1997, directing them to reinstate the writ petitioner in to the service of the Corporation treating it as a fresh appointment, have preferred the present writ appeal.

The respondent herein filed the above writ petition challenging the nil award passed by the Industrial Tribunal-cum-Labour Court, Visakhapatnam in I.D.No. 255 of 1994 dated 25.01.1997, which was filed for setting aside the proceedings dated 04-6-1993 of 2nd respondent and the proceedings of dated 16.2.1994. The respondents-Corporation contested the writ petition.

Learned single Judge of this Court after considering the rival contentions, following the decision of a Division Bench of this Court in CH.Y.R. SHETTI v. DEPOT MANAGER, A P S R T C (1996 (1) ALD 516), observed that the punishment imposed is excessive and disproportionate to the charges and ordered for reinstatement of the writ petitioner in to service but without any benefits of the past service i.e., the reinstatement should be treated as a fresh appointment for all purposes. Challenging the said order, the Corporation filed the present appeal.

Heard the counsel on either side.

We have perused the order under challenge including the material available on record. The view taken by the learned single Judge basing on a decision of a Division Bench of this Court in observing that the punishment imposed is excessive and disproportionate to the charges, in our considered opinion is not illegal requiring interference by this Court.

Hence, in view of the cogent reasons given by the learned single Judge, we do

not find any grounds to interfere with the above order and thus while confirming the order of the learned single Judge dt. 26-10-1999 for reinstatement of the petitioner as fresh appointment, we direct the respondent-writ petitioner shall take the last seniority in that cadre.

With the aforementioned observations the writ appeal is disposed of. No costs.

T. MEENA KUMARI, J

Dt. 08/07/2005

P. LAKSHMANA REDDY, J

Kvrk

To

- 1. The Depot Manager, Srikakulam-II Depot., APSRTC,
Srikakulam
- 2. The Divisional Manager, APSRTC, Srikakulam
- 3. The Chairman and Presiding Officer,
Industrial Tribunal-cum-Labour Court, Visakhapatnam
- 4. Two CCs to GP for Labour, High Court Buildings,
Hyderabad (OUT)
- 5. Two CD copies.

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THE HON'BLE SMT JUSTICE T.MEENA KUMARI
and
THE HON'BLE SRI JUSTICE P.LAKSHMANA REDDY

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WRIT APPEAL NO : 2052 of 1999

(Judgment of the Division Bench delivered by
Hon'ble Smt Justice T Meena Kumari)

08th JULY 2005